Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number Q102841	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/780,403	Filed February 17, 2004
	First Named Inventor Thierry LUCIDARME	
	Art Unit 2618	Examiner TRINH, TAN H

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

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June 5, 2008
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: Q102841
Thierry LUCIDARME	
Appln. No.: 10/780,403	Group Art Unit: 2618
Confirmation No.: 1322	Examiner: TRINH, TAN H
Filed: February 17, 2004	

For: METHOD OF CONTROLLING A MODE OF REPORTING OF MEASUREMENTS ON A RADIO

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated December 5, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Claims 1-34 are pending, with claims 7, 8, 11-14, 24-25 and 28-31 being allowable and claims 1-6, 9, 10, 15-23, 26, 27, 32-34 being rejected as unpatentable over Heinonen (US Pub. No. 2003/0069027) in view of Moreau (USP 5,913,168).

Of the rejected claims, only claims 1 and 18 are independent. Claim 1 is directed to a method of controlling a mode of reporting of measurements, and claim 18 is directed to a radio network controller (RNC) which controls a mode of reporting. Claim 18 includes the same features relied on below in distinguishing claim 1 from the cited art, so only claim 1 will be further discussed herein.

According claim 1, the present invention includes the steps of:

1. Measuring parameters of radio propagation between the mobile and a fixed transceiver (i.e., base station);

2. Sending report messages to the radio network controller in accordance with a reporting mode specified by the RNC;

3. The RNC determining an estimate of the speed of the mobile; and

4. The RNC processing the report messages and determining an appropriate mode of reporting, with the determined mode being dependent at least in part on the speed of the mobile.

A fundamental aspect of the present invention is the changing of a mode of reporting measured radio propagation parameters to the network controller, taking into account the speed of the mobile.

Heinonen teaches reporting measured network parameters, but this much has certainly already been admitted as prior art. Moreau takes speed into account in determining whether to trigger an intercellular handover, e.g., estimating the time instant at which the mobile will cross a cell boundary. But there is nothing in Moreau which suggests that the mode of reporting to a network controller be determined in accordance with detected mobile speed. To the contrary, the mode of reporting never changes in Moreau.

Moreau teaches speed determination but is otherwise not particularly relevant. It certainly does not teach modifying any reporting mode based on the detected speed, only taking the speed into account in determining when the mobile will be at a particular position, which seems quite logical. Heinonen also does not teach modifying its reporting mode in accordance

with detected mobile speed. Indeed, neither reference teaches modification of a reporting mode for any reason, much less in accordance with a detected speed. Thus, if one of skill in the art were to consider both references, since the modification of the reporting mode in accordance with mobile speed is not shown in either reference, it would not result from any combination of the teachings of the references.

The examiner has responded (at pages 9-10 of the Office action mailed December 5, 2007), but still appears to misunderstand Moreau and/or the present invention. Specifically, the examiner states:

> Since Moreau teaches the measurements made by the mobile are transmitted to the network over the SACCH uplink channel (MEASUREMENT REPORT message) every 480 ms (or every 960 as if the current service is the short-messages service) with *the speed estimation mode* of FIG. 3 has the advantage of allowing adequate treatment of the street corner effects, and the measurements of the speed which the mobile is attached are added to MEASUREMENT REPORT message from the mobile and send or reporting to network (BS) (see col. 2, lines 64-col. 3, line 7 and lines 17- 24, and col. 13, lines 24-col. 14, lines 67); and the mode of reporting selection between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7), Moreau also teaches the distinguish between the slow fading affecting a rapid mobile and the rapid fading affecting a slow mobile (see col. 3, lines 30-33), and change of speed by the mobile station (see col. 5, lines 60-61). And the reporting is report on the detected mobile max speed or min speed or when moving or stop at red light (see col. 10, lines 56-67, and col. 13, lines 1-5). In this case the Moreau disclose the modifying mode base on the detected speed. Therefore, the Moreau reference is teaching the limitation of the claims.

Moreau receives reports and processes data, and the result of processing is to determine an appropriate handover (HO) time, or even an appropriate HO criterion. While Moreau does a lot with the received messages, including estimating speed and taking speed into account in

various actions, there is no suggestion anywhere in Moreau that the mode of reporting to the RNC can or should be changed based on the mobile speed. The examiner repeatedly refers to Moreau as teaching "modifying the mode" based on the detected speed. There may be some "mode" in Moreau which can be considered to be changed based on detected speed, but it is not a mode of reporting measured parameters to the RNC, as is required in the claims of the present application.

The examiner points out that in the speed estimation mode of Moreau, Moreau measures the speed of the vehicle and adds the measured speed to the measurement report message from the mobile. But this is not changing the mode of reporting based on speed, it is simply reporting the speed. The examiner then refers to a "mode of reporting selection between a periodic transmission of the report messages…," but the examiner never identifies what two modes of reporting there might be. The fact of the matter is that there is only a single mode of reporting in Moreau. Lines 56-67 of column 10 of Moreau describe that both Vmin and Vmax have to be added to the parameters. Depending on how fast the mobile is moving, or whether it is moving at all, there may be different values reported in these two fields, but there is no change in the ***mode*** of reporting, just a change in the values of what is reported. When the mobile is moving, the report may indicate the max speed, and when the mobile is stationary the report may include the min speed, but in either case the mode of reporting is the same.

The examiner also mentions slow fading and fast fading, but it is not seen what connection these have to a change in the mode of reporting.

Since none of the references teaches a change in the ***mode*** of reporting, and since this feature is recited in all independent claims, it is respectfully submitted that the claimed invention cannot result from any obvious modification of the applied prior art.

Respectfully submitted,

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